

**ZB# 03-51**

**Peter Daly, Jr.**

**73-7-25**

ZONING BOARD OF APPEALS  
TOWN OF NEW WINDSOR  
555 UNION AVENUE  
NEW WINDSOR, N.Y. 12553  
*Granted 11-24-03*

325 NINA ST. (73-7-25)

PERKINS, JR (AREA)

561-5388

11/24 Public Hearing



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4615  
Fax: (845) 563-4695

## OFFICE OF THE ZONING BOARD OF APPEALS

March 15, 2004

Mr. Peter Daly (or Present Owner of)  
325 Nina Street  
New Windsor, NY 12553

SUBJECT: REQUEST FOR VARIANCE #03-51 (73-7-25)

Dear Mr. Daly or Present Owner:

Please find enclosed two copies of the Formal Decision for your case before the Zoning Board of Appeals. Please keep these copies in your records for future reference if needed.

If you are in need of any further assistance or have any questions in this matter, please feel free to contact me at the above number.

Very truly yours,

*Myra Mason*

Myra Mason, Secretary to the  
NEW WINDSOR ZONING BOARD

MLM:mlm

cc: Michael Babcock, Building Inspector

NEW WINDSOR ZONING BOARD OF APPEALS

SBL: 73-7-25

-----X  
In the Matter of the Application of

MEMORANDUM OF  
DECISION GRANTING

**PETER DALY**

**AREA**

CASE #03-51  
-----X

**WHEREAS, Mr. & Mrs. Peter Daly**, owner(s) of 325 Nina Street, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an Request for proposed 6 ft. fence that will project between the house and street on a corner lot (Use 48-14-C-1-(c)-1) at 325 Nina Street in an R-4 zone and;

**WHEREAS**, a public hearing was held on November 24<sup>th</sup>, 2003 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

**WHEREAS**, the Applicant appeared on behalf of this Application; and

**WHEREAS**, there were no spectators appearing at the public hearing; and

**WHEREAS**, no one spoke in favor of or in opposition to the Application; and

**WHEREAS**, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

**WHEREAS**, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.
2. The Evidence presented by the Applicant showed that:
  - (a) The property is a residential property located in a neighborhood of residential properties.
  - (b) The property is improved by an existing six foot fence. The fence has been in place approximately six years.
  - (c) The applicant seeks a six foot fence because they desire to keep a large dog fence.

- (d) The fence does not block the view of motorists or the safe operation of motor vehicles on the adjacent roadway.
- (e) There were no complaints, either formal or informal, about the existing fence.
- (f) The applicant will not remove any trees or substantial vegetation with the erection of the fence if permitted.
- (g) The applicant will not create any water hazards or runoffs or divert the flow of water drainage or create the ponding or collection of water in constructing the fence.
- (h) The new fence, if permitted, will be erected on the same location as the existing fence.
- (i) The property is located at the intersection of two roadways, giving it two legal front yards, although, it visually appears to have only one.

**WHEREAS,** The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance(s) will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant that can produce the benefits sought.
3. The variance(s) requested are substantial in relation to the Town regulations but, nevertheless, are warranted.
4. The requested variance(s) will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created but, nevertheless, should be allowed.
6. The benefit to the Applicant, if the requested variance(s) are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variance(s) are/is appropriate and are/is the minimum variance(s) necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

8. The interests of justice will be served by allowing the granting of the requested area variance(s).

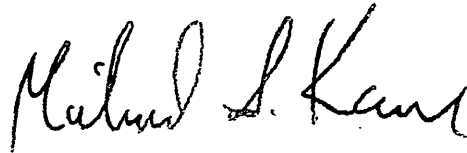
**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a Request for proposed 6 ft. fence that will project between the house and street on a corner lot (Use 48-14-C-1-(c)-1) at 325 Nina Street in an **R-4 zone** as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

**BE IT FURTHER**

**RESOLVED**, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and/or Building Inspector and Applicant.

Dated: November 24, 2003



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Chairman

OFFICE OF THE BUILDING INSPECTOR  
TOWN OF NEW WINDSOR  
ORANGE COUNTY, NEW YORK

**NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION**

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (845) 563-4630 TO  
MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.

DATE: **October 3, 2003**

APPLICANT: **Peter Daly**  
**325 Nina St.**  
**New Windsor, NY 12553**

**COPY**

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: September 25, 2003

FOR : **Proposed Fence**

LOCATED AT: **325 Nina St.**

ZONE: **R-4** Sec/Blk/ Lot: **73-7-25**

DESCRIPTION OF EXISTING SITE: **Section 73 Block 7 Lot 25**

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. **Proposed 6' fence will project between the house and road. This is a corner lot.**

  
BUILDING INSPECTOR



PERMITTED

PROPOSED OR  
AVAILABLE:

VARIANCE  
REQUEST:

ZONE: R-4     USE: 48-14-C-1-C-1

MIN LOT AREA:

MIN LOT WIDTH:

REQ'D FRONT YD:

REQ'D SIDE YD:

REQ'D TOTAL SIDE TD:

REQ'D REAR YD:

REQ'D FRONTAGE:

MAX BLDG HT:

FLOOR AREA RATIO:

MIN LIVABLE AREA:

DEV COVERAGE:

cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP

APPROVED

03-51

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS  
IMPORTANT  
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and under slab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and percolation test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and there is no fee for this.

FOR OFFICE USE ONLY:  
Building Permit #: 1219

**AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS REQUIRED BEFORE THE BUILDING PERMIT APPLICATION WILL BE ACCEPTED AND/OR ISSUED**

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises Peter and Julie Daly

Address 325 Nina St. Phone # 845 561 5388

Mailing Address Same as above Fax # 419.8284616

Name of Architect PA

Address \_\_\_\_\_ Phone \_\_\_\_\_

X Name of Contractor Anthony Steffani w/ AJAY Fence

Address 309 Chelsea Cay <sup>Wappingers Falls</sup> NY, 12590 Phone (845) 831-0796

State whether applicant is owner, lessee, agent, architect, engineer or builder owner

If applicant is a corporation, signature of duly authorized officer \_\_\_\_\_  
(Name and title of corporate officer)

1. On what street is property located? On the West side of X Nina Street  
and at the corner (N, S, E or W) feet from the intersection of Sim Street.

2. Zone or use district in which premises are situated \_\_\_\_\_ Is property a flood zone? Y \_\_\_\_\_ N \_\_\_\_\_

3. Tax Map Description: Section 73 Block 7 Lot 25

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.

a. Existing use and occupancy \_\_\_\_\_ b. Intended use and occupancy \_\_\_\_\_

5. Nature of work (check if applicable) ☐ New Bldg. ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☒ Other

6. Is this a corner lot? Yes replacing existing fence

7. Dimensions of entire new construction. Front \_\_\_\_\_ Rear \_\_\_\_\_ Depth \_\_\_\_\_ Height \_\_\_\_\_ No. of stories \_\_\_\_\_

8. If dwelling, number of dwelling units: \_\_\_\_\_ Number of dwelling units on each floor \_\_\_\_\_

Number of bedrooms \_\_\_\_\_ Baths \_\_\_\_\_ Toilets \_\_\_\_\_ Heating Plant: Gas \_\_\_\_\_ Oil \_\_\_\_\_  
Electric/Hot Air \_\_\_\_\_ Hot Water \_\_\_\_\_ If Garage, number of cars \_\_\_\_\_

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use \_\_\_\_\_

10. Estimated cost \_\_\_\_\_ Fee \_\_\_\_\_

X 9, 24, 03  
date

APPLICATION FOR BUILDING PERM.  
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK  
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock  
Asst. Inspectors: Frank Liel & Louis Kryshear  
New Windsor Town Hall  
555 Union Avenue  
New Windsor, New York 12553  
(845) 563-4818  
(845) 563-4895 FAX

Bldg Insp Examined \_\_\_\_\_  
Fire Insp Examined \_\_\_\_\_  
Approved \_\_\_\_\_  
Disapproved \_\_\_\_\_  
Permit No. \_\_\_\_\_

INSTRUCTIONS

- This application must be completely filled in by typewriter or in ink and submitted to the Building Inspector.
- Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- The work covered by this application may not be commenced before the issuance of a Building Permit.
- Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, place or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

Same as below  
(Signature of Applicant) Pete Daly

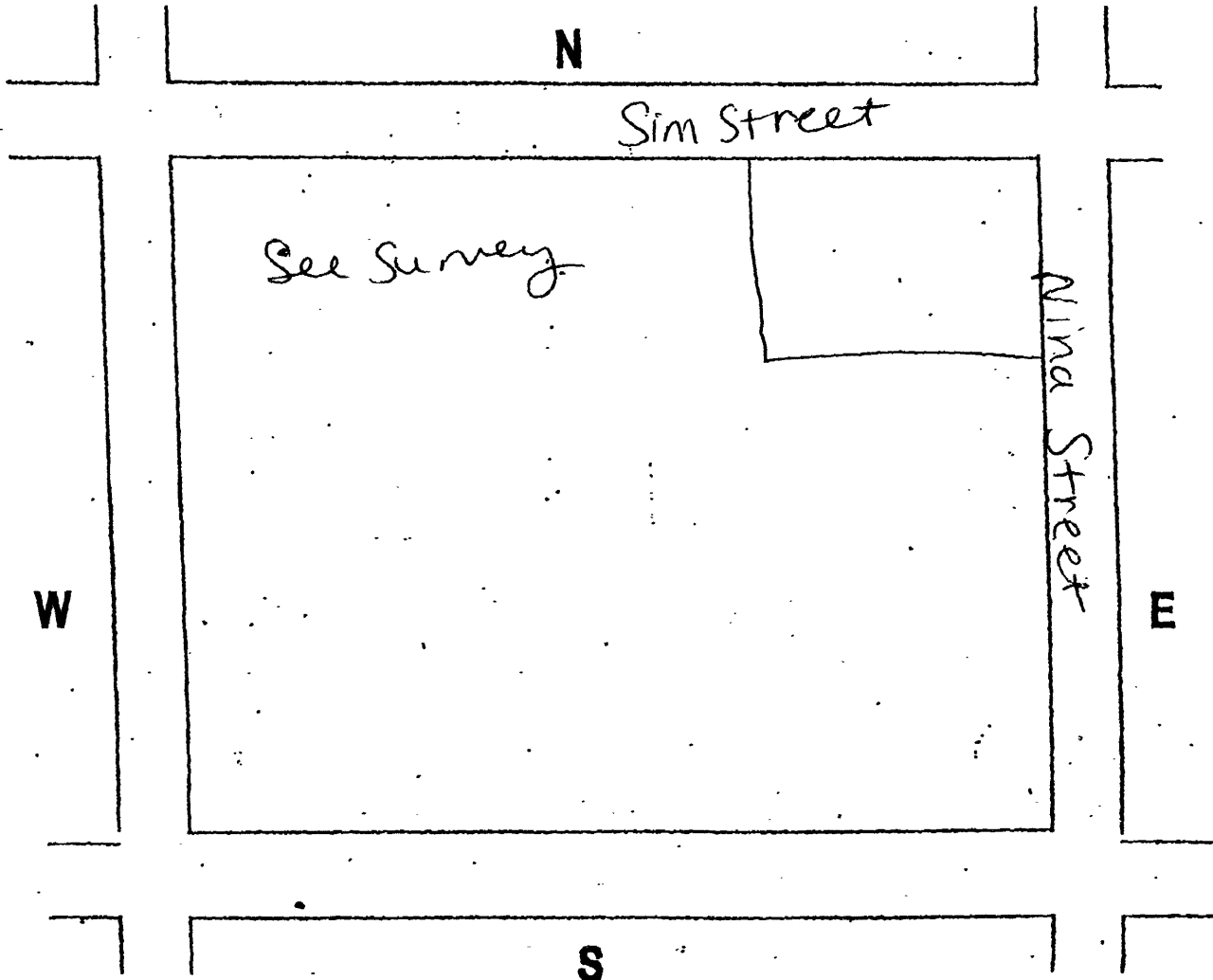
(Address of Applicant)

X Julie Daly  
(Owner's Signature)

325 Nina Street

PLOT PLAN

**NOTE:** Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.

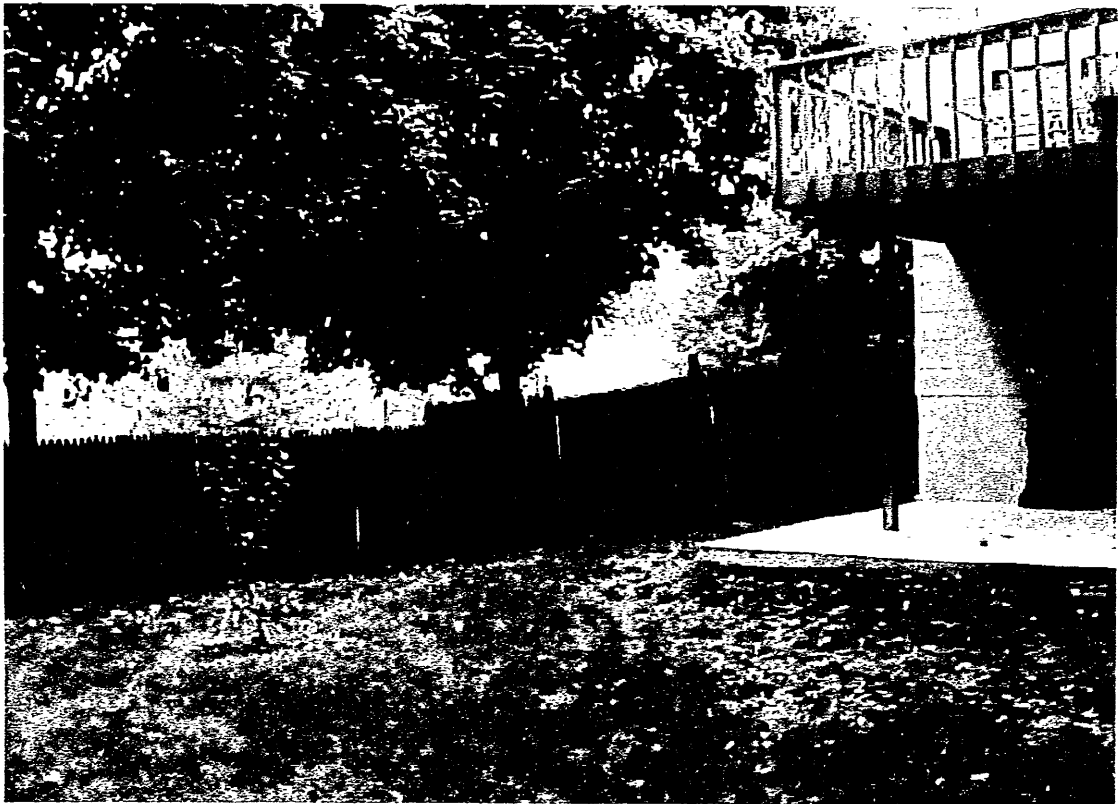
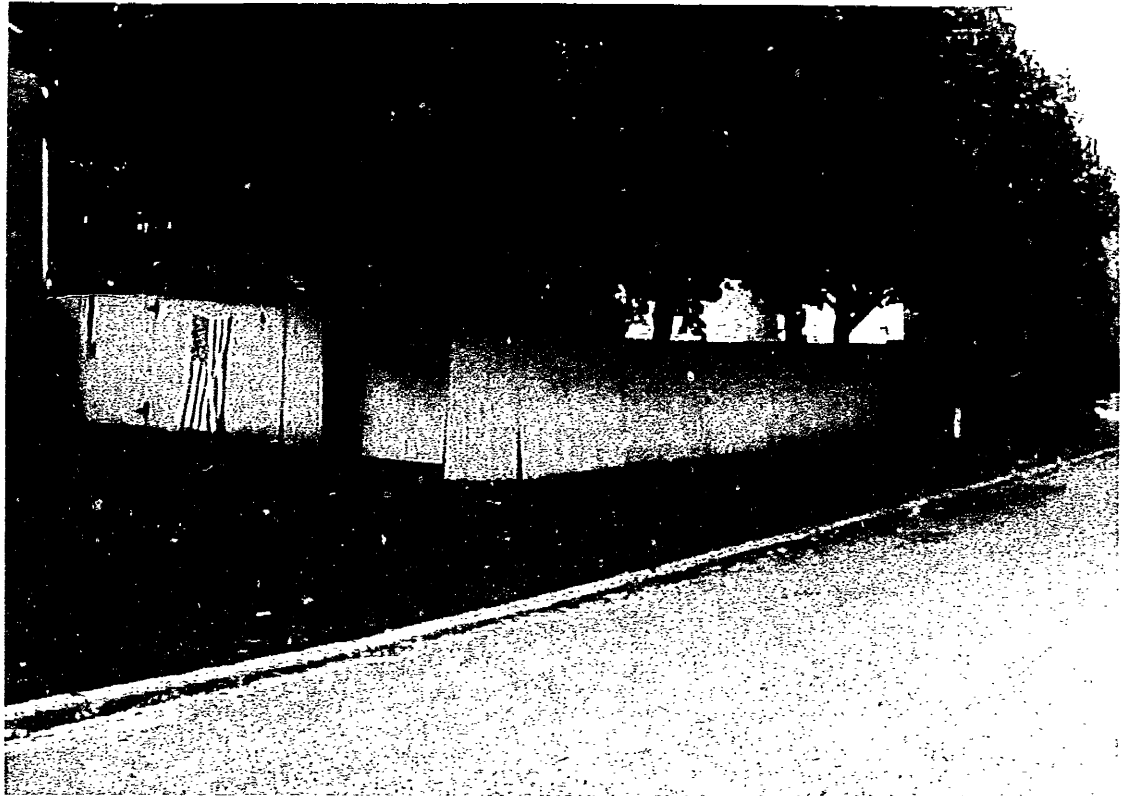


comp + surveying





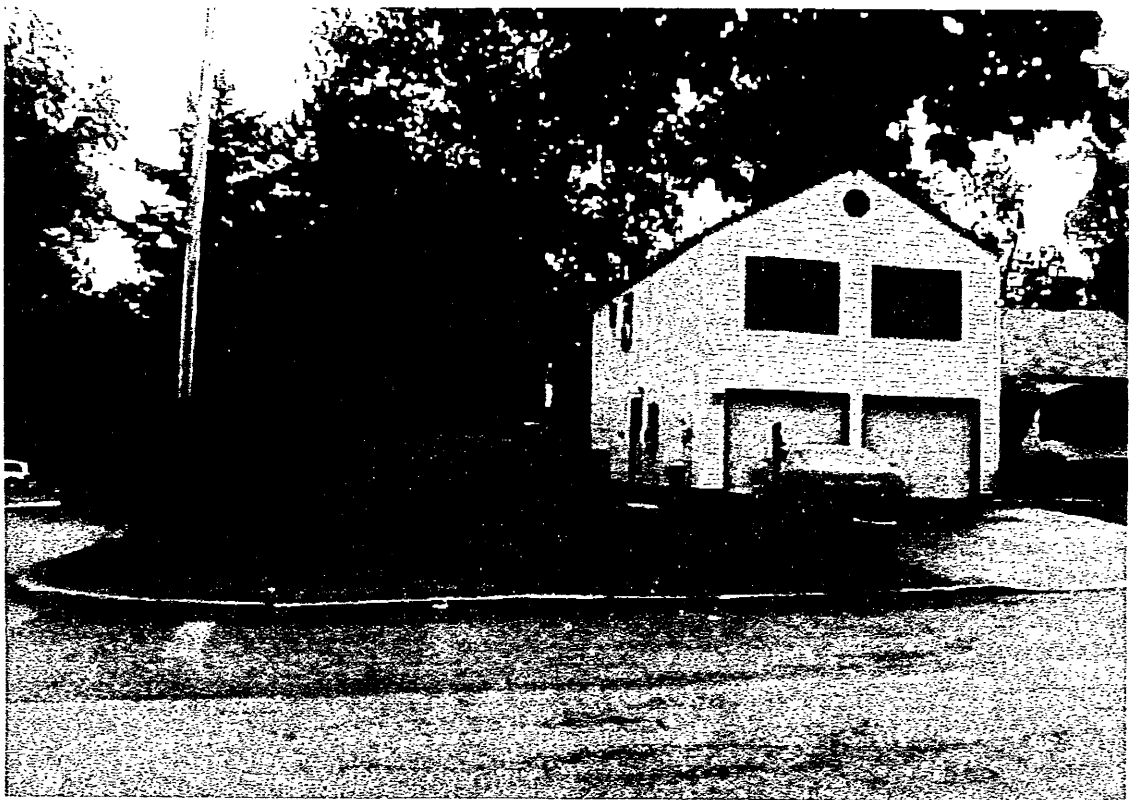
88-61







Two examples of other homes at Nina St/Sim St with similar fence configurations

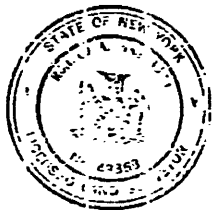


Washburn Associates  
44-52 Route 11W  
New Windsor, N.Y. 12550

Certifications indicated hereon signify that this survey was prepared in accordance with the existing Code of Practice for Land Surveys adopted by the New York State Association of Professional Land Surveyors. Said certifications shall run only to the person for whom the survey is prepared, and in his behalf to the title company, governmental agency and lending institution listed hereon, and to the successors of the lending institution. Certifications are not transferable to additional institutions or subsequent owners.

Only copies from the original of this survey marked with an original of the land surveyor's inked seal or his embossed seal shall be considered to be valid true copies.

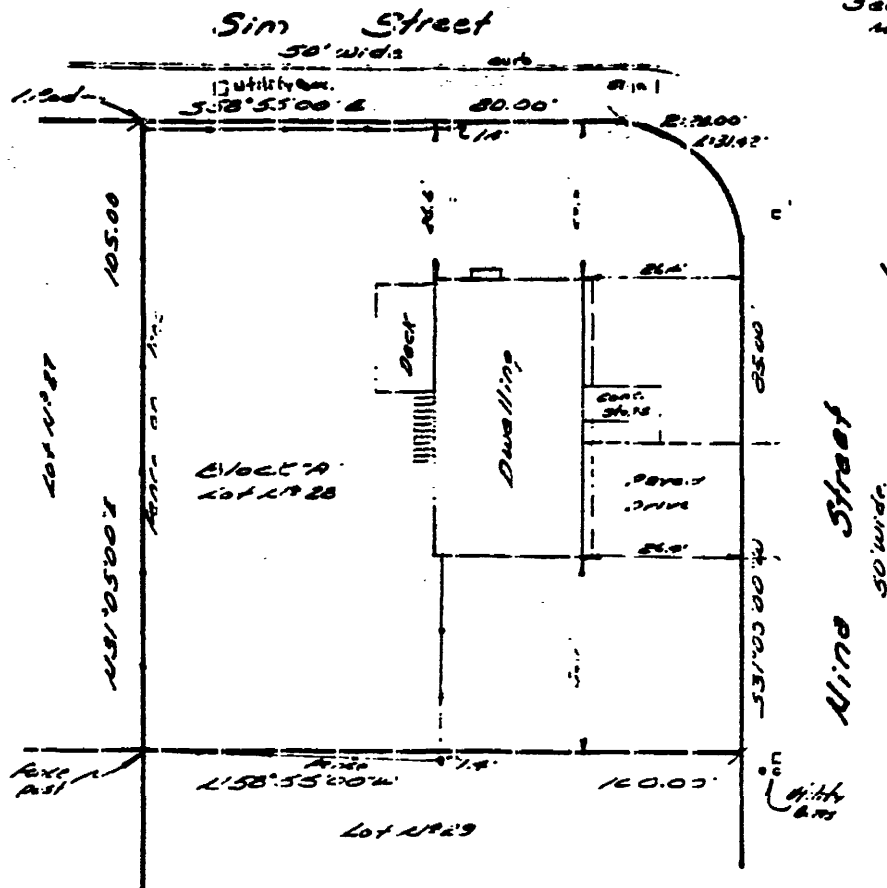
Unauthorized alteration or addition to a survey map bearing a licensed land surveyor's seal is a violation of section 7209, subdivision 2, of the New York State Education Law.



Steven E. Dixon  
Erminio D'Alessandro  
Lina D'Alessandro  
ARCS Mortgage, Inc.  
its successors and/or assigns.  
Town Title Insurance of New York, Inc.

Corrected true and correct as shown hereon.

*Steven E. Dixon*  
J.E. No. 48318



Town of New Windsor Tax Map  
Section 78 & 79 Lot 1125  
Map Reference:  
"Windsor"  
Filed September 26, 1973  
Map 172163

SURVEY MAP FOR

Steven E. Dixon

SCALE: 1"=20'

DATE: June 18, 1973

APPROVED BY:

DRAWN BY

REVISED

Town of New Windsor Orange Co., N.Y.

DRAWN TO SCALE OF  
1"=20'

03-51

**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS  
OFFICE  
845-563-4615**

**MEMORANDUM**

**TO: LARRY REIS, COMPTROLLER**  
**FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD**  
**DATE: JANUARY 13, 2004**  
**SUBJECT: ESCROW REFUND - 03-51**

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 203.00 TO CLOSE OUT  
ESCROW FOR:**

**ZBA FILE #03-51**

**NAME & ADDRESS:**

**PETER DALY  
325 NINA STREET  
NEW WINDSOR, NY 12553**

**THANK YOU,**

**MYRA**

**L.R. 1-13-2004**



**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS  
RECORD OF CHARGES & PAYMENTS**



FILE #03-51      TYPE: AREA

APPLICANT:  
PETER & JULIE DALY, JR.

TELEPHONE:    561-5388

RESIDENTIAL:	\$ 50.00	CHECK #1165
COMMERCIAL	\$ 150.00	CHECK # _____
INTERPRETATION	\$ 150.00	CHECK # _____

ESCROW:            RESIDENTIAL \$300.00      CHECK #1164

\*   \*   \*   \*   \*   \*   \*   \*   \*   \*   \*   \*   \*

<u>DISBURSEMENTS:</u>		<u>MINUTES</u> <u>\$4.50 / PAGE</u>	<u>ATTORNEY</u> <u>FEE</u>
PRELIMINARY:	<u>3</u> PAGES	\$ <u>13.50</u>	\$ <u>35.00</u>
2 <sup>ND</sup> PRELIMINARY:	_____ PAGES	\$ _____	\$ _____
PUBLIC HEARING:	<u>3</u> PAGES	\$ <u>13.50</u>	\$ <u>35.00</u>
PUBLIC HEARING:	_____ PAGES	\$ _____	\$ _____
TOTAL:		\$ <u><u>27.00</u></u>	\$ <u><u>70.00</u></u>

\*   \*   \*   \*   \*   \*   \*   \*   \*   \*   \*   \*   \*

ESCROW POSTED:      \$ 300.00  
LESS: DISBURSEMENTS:    \$ 97.00

AMOUNT DUE:      \$ \_\_\_\_\_

REFUND DUE:      \$ 203.00

L.R. 1-13-04

PETER DALY (03-51)

MR. KANE: Request for proposed 6 ft. fence that will project between the house and street on a corner lot (Use 48-14-C-1-(c)-1) at 325 Nina Street in an R-4 zone.

Mr. and Mrs. Daly appeared before the board for this proposal.

MR. KANE: Okay, same thing as in the preliminary hearing, tell us what you want to do.

MR. DALY: Put up, replace the fence that's existing there now, it's a 6 foot fence there now. When we bought the house, we didn't know we needed a permit for it, it was there when we bought the house.

MR. KANE: Do you know approximately how old the fence is that's existing?

MR. DALY: About 6 years.

MRS. DALY: Doesn't look like it.

MR. DALY: Parts of it are old.

MR. KANE: So you'd estimate 6 years or so?

MRS. DALY: I'd say close to 10.

MR. KANE: And the reason for the 6 foot fence instead of a 4 foot?

MR. DALY: Well, we have a fairly big sized dog that could probably get over the 4 foot fence pretty easily.

MR. KANE: Fence itself is it going to block any view of vehicles coming down the street to the corner? You're on a corner piece of property?

MRS. DALY: We have some pictures.

MR. DALY: I don't believe so. Our house is right next to the fence.

MR. KANE: So your opinion it's further enough off the street if somebody pulled in there's no way it's going to block their vision?

MR. DALY: Right.

MR. KANE: As far as you know, with the previous fence that was up, any complaints formally or informally about that existing fence?

MR. DALY: No.

MR. KANE: Any cutting down of trees or substantial shrubbery with the building of it that you know of?

MR. DALY: No.

MR. KANE: Any creation of water hazards or runoffs?

MR. DALY: No.

MR. MC DONALD: Same footprint as what you had?

MR. DALY: Yeah, it's going to be scalloped.

MR. KANE: So the 6 foot they'd be here anyway with the 6 footers they're here because they're on a corner lot?

MR. BABCOCK: Actually, they're not affecting the part of what would be their corner lot, they're actually projecting closer to the road than the principle building.

MR. KANE: And the way you have it written up here is

substantially to cover that?

MR. BABCOCK: Yeah.

MR. KANE: At this point, gentlemen, do you have any quick questions? I'll open this up to the public and ask if there's anybody in the audience for this particular hearing? Seeing as there's not, we'll close the public portion of the meeting and ask Myra how many mailings we had.

MS. MASON: On the 7th day of November, 84 addressed envelopes went out, no responses.

MR. KANE: Does any portion of the fence cover any easements on your property that you know of?

MR. DALY: No.

MR. KANE: Gentlemen, do you have any further questions?

MR. MC DONALD: Accept a motion?

MR. KANE: Yes.

MR. RIVERA: Move we grant Mr. Peter Daly for the proposed 6 foot fence that will project between the house and the street on a corner lot at 325 Nina Street.

MR. MC DONALD: Second it.

ROLL CALL

MR. REIS	AYE
MR. RIVERA	AYE
MR. MC DONALD	AYE
MR. KANE	AYE



PETER DALY (#03-51)

MR. KANE: Request for proposed 6 ft. fence that will project between the house and street on a corner lot (Use 48-14-C-1(c)-1) at 325 Nina Street in an R-4 zone.

Mr. and Mrs. Peter Daly appeared before the board for this proposal.

MR. KANE: How you doing? Tell us what you want to do.

MR. DALY: I want to replace the existing fence that's there now.

MR. KANE: Is it going to be in the same place the fence is right now?

MR. DALY: Correct.

MR. KANE: We can see that falling apart. Mike, there was no existing C.O. on the existing fence?

MR. BABCOCK: Actually, it was a 4 foot fence, Mr. Chairman.

MR. DALY: That was a year and half ago and that's what was there.

MR. KANE: That's four foot?

MR. DALY: No, 6.

MR. BABCOCK: According to my information here, it was a 4 foot fence.

MR. KANE: This is the fence you're replacing?

MR. BABCOCK: They want to put a 6 foot fence up regardless, 4 foot fence would be permitted.

MR. MCDONALD: Six wouldn't.

MR. KANE: So they got a permit for a 4 foot fence, put up a 6 foot fence anyway?

MR. BABCOCK: Possibly.

MR. DALY: That was the people before us.

MR. BABCOCK: That's correct.

MR. MINUTA: Just to clarify the fence is being taken down and you're replacing this one?

MR. DALY: Yes.

MR. MCDONALD: Same fence going back up?

MRS. DALY: Basically, it's going to be a scalloped.

MR. KANE: Natural wood fence?

MR. DALY: Cedar.

MR. KANE: Stained, painted?

MR. DALY: Eventually probably stained.

MR. KANE: You decide yet?

MRS. DALY: It's going to be stained.

MR. KANE: Won't be blocking the view of traffic for cars on that corner lot?

MR. DALY: I don't believe so. You're looking at our house.

MR. MCDONALD: It's going to be on the same footprint?

MRS. DALY: There's bushes that we cut down.

MR. KANE: If for the public hearing if you can bring me one picture standing from the corner.

MRS. DALY: There's one there now.

MR. KANE: Maybe from across the street I just want to see how far back that is from this view right here.

MRS. DALY: Okay.

MR. REIS: Have you had any comments from your neighbors good, bad or indifferent?

MR. DALY: Actually, the neighbor behind us has a fence connecting with us.

MRS. DALY: We share the same fence line.

MR. KANE: No cutting down trees, substantial shrubbery, not creating water hazards with the fence that's there now?

MR. DALY: No.

MR. MCDONALD: Accept a motion?

MR. KANE: Yeah.

MR. MCDONALD: Make a motion that we set up Mr. Daly for a public hearing for his requested 6 foot fence.

MR. RIVERA: Second it.

ROLL CALL

MR. REIS	AYE
MR. MINUTA	AYE
MR. RIVERA	AYE
MR. MC DONALD	AYE
MR. KANE	AYE



**ZONING BOARD OF APPEALS: TOWN OF NEW WINDSOR  
COUNTY OF ORANGE: STATE OF NEW YORK**

-----X

In the Matter of the Application for Variance of

PETER DALY

**AFFIDAVIT OF  
SERVICE  
BY MAIL**

#03-51

----- X

STATE OF NEW YORK )

) SS:

COUNTY OF ORANGE )

MYRA L. MASON, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 67 Bethlehem Road, New Windsor, NY 12553.

That on the 7TH day of **NOVEMBER**, 2003, I compared the 84 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor's Office regarding the above application for a variance and I find that the addresses are identical to the list received. I then placed the envelopes in a U.S. Depository within the Town of New Windsor.

Sworn to before me this

Myra L. Mason  
Myra L. Mason, Secretary

7<sup>th</sup> day of November, 2003

[Signature]  
Notary Public

**JENNIFER MEAD**  
Notary Public, State Of New York  
No. 01ME6050024  
Qualified In Orange County  
Commission Expires 10/30/ 2006

**PUBLIC HEARING NOTICE**  
**ZONING BOARD OF APPEALS**  
**TOWN OF NEW WINDSOR**

**PLEASE TAKE NOTICE** that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

**Appeal No. 03-51**

**Request of PETER DALY**

**for a VARIANCE of the Zoning Local Law to Permit:**

**Request for proposed 6 ft. fence that will project between the house and street on a corner lot .**

**being a VARIANCE of Section (Use 48-14-C-1-(c)-1)**

**for property located at: 325 Nina Street in an R-4 zone**

**known and designated as tax map Section 73 Block 7 Lot 25**

**PUBLIC HEARING will take place on NOVEMBER 24, 2003**  
**at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York**  
**beginning at 7:30 P.M.**

  
Michael Kane, Chairman

# TOWN OF NEW WINDSOR

## REQUEST FOR NOTIFICATION LIST

DATE: 10-29-03 PROJECT NUMBER: ZBA# 03-51 P.B. # \_\_\_\_\_APPLICANT NAME: PETER DALY

PERSON TO NOTIFY TO PICK UP LIST:

PETER DALY  
325 NINA STREET  
NEW WINDSOR, NY 12553

TELEPHONE: 561-5388

TAX MAP NUMBER:	SEC. <u>73</u>	BLOCK <u>7</u>	LOT <u>25</u>
	SEC. _____	BLOCK _____	LOT _____
	SEC. _____	BLOCK _____	LOT _____

PROPERTY LOCATION: 325 NINA STREET  
NEW WINDSOR, NY

THIS LIST IS BEING REQUESTED BY:

NEW WINDSOR PLANNING BOARD: \_\_\_\_\_

SITE PLAN OR SUBDIVISION: (ABUTTING AND ACROSS ANY STREET) \_\_\_\_\_

SPECIAL PERMIT ONLY: (ANYONE WITHIN 500 FEET) \_\_\_\_\_

AGRICULTURAL DISTRICT:

(ANYONE WITHIN THE AG DISTRICT WHICH IS WITHIN 500'  
 OF SITE PLAN OR SUBDIVISION PROJECT) \_\_\_\_\_

❖ ❖

NEW WINDSOR ZONING BOARD XXXLIST WILL CONSIST OF ALL PROPERTY WITHIN 500 FEET OF PROJECT XXX

❖ ❖

AMOUNT OF DEPOSIT: 25.00 CHECK NUMBER: 1166

TOTAL CHARGES: \_\_\_\_\_



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4631  
Fax: (845) 563-4693

## Assessor's Office

November 4, 2003

Peter Daly  
325 Nina Street  
New Windsor, NY 12553

Re: 73-7-25                      ZBA#03-51

Dear Mr. Daly:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$105.00, minus your deposit of \$25.00.

Please remit the balance of \$80.00 to the Town Clerk's Office.

Sincerely,

J. Todd Wiley, IAO  
Sole Assessor

JTW/lrd  
Attachments

CC: Myra Mason, ZBA

84



4-1-31.2  
Otto Scheible  
C/o Newburgh Packing  
677 Little Britain Road  
New Windsor, NY 12553

7-1-1  
Clifford & Elizabeth Davis  
14 Cimorelli Drive  
New Windsor, NY 12553

7-1-2  
Deborah Bouley  
Max Bousche  
16 Cimorelli Drive  
New Windsor, NY 12553

7-1-25  
Ronald & Ellen Lander  
12 Cimorelli Drive  
New Windsor, NY 12553

73-1-10  
Richard Horak  
504 MacNary Road  
New Windsor, NY 12553

73-1-11  
Henry Pizzonia  
Frances Fox  
502 MacNary Road  
New Windsor, NY 12553

73-1-12  
Michael O'Hara  
421 Philo Street  
New Windsor, NY 12553

73-1-13  
Dominick & Melissa Pileggi  
423 Philo Street  
New Windsor, NY 12553

73-1-14  
Patrick & MaryAnn McCarthy  
425 Philo Street  
New Windsor, NY 12553

73-1-15  
Michael & Trude Antonacci  
609 Sim Street  
New Windsor, NY 12553

73-1-16  
Michael Restuccia  
30 Sloan Court  
Wallkill, NY 12589

73-2-1  
Keith & Evelyn Aigner  
364 Nina Street  
New Windsor, NY 12553

73-2-2  
Jan & Angelina Rostek  
362 Nina Street  
New Windsor, NY 12553

73-2-17  
Marilyn Mutinelli  
334 Nina Street  
New Windsor, NY 12553

73-2-18  
Elliott & Vicki Cohen  
332 Nina Street  
New Windsor, NY 12553

73-2-19  
Francis & Geraldine Nicolosi  
330 Nina Street  
New Windsor, NY 12553

73-2-20  
Thomas & Joanne Farrell  
328 Nina Street  
New Windsor, NY 12553

73-2-21  
Mary Hagen  
326 Nina Street  
New Windsor, NY 12553

73-3-1  
Reggie & Vanessa Hanks  
357 Nina Street  
New Windsor, NY 12553

73-3-2  
Robert & Nea Condosta  
355 Nina Street  
New Windsor, NY 12553

73-3-3  
Ronald Altomare  
353 Nina Street  
New Windsor, NY 12553

73-3-4  
Michael Sr. & Sandra Muller  
351 Nina Street  
New Windsor, NY 12553

73-3-10  
John & Dana McCrossen  
435 Philo Street  
New Windsor, NY 12553

73-3-11  
Joseph & Elizabeth Como  
433 Philo Street  
New Windsor, NY 12553

73-3-12  
Eric Cooper  
431 Philo Street  
New Windsor, NY 12553

73-3-13  
John & Mary Guarracino  
429 Philo Street  
New Windsor, NY 12553

73-3-14  
Kenneth & Jeanne Martin  
427 Philo Street  
New Windsor, NY 12553

73-4-1  
Bob & Rosemary Hersh  
444 Philo Street  
New Windsor, NY 12553

73-4-2  
Thomas & Kathleen Finneran  
446 Philo Street  
New Windsor, NY 12553

73-4-3  
William Corcoran  
448 Philo Street  
New Windsor, NY 12553

73-4-4  
Christopher & Elke Spencer  
450 Philo Street  
New Windsor, NY 12553

73-4-5  
Kevin & Leslie Hofving  
452 Philo Street  
New Windsor, NY 12553

73-4-10  
Samuel Martinez Jr.  
335 Nina Street  
New Windsor, NY 12553

73-4-11  
Joseph Hafner  
Hyon Lemons  
333 Nina Street  
New Windsor, NY 12553

73-4-12  
Daniel Peralta  
331 Nina Street  
New Windsor, NY 12553

73-4-13  
Jose Escobar  
329 Nina Street  
New Windsor, NY 12553

73-4-14  
John & Catherine Canale  
327 Nina Street  
New Windsor, NY 12553

73-5-2  
John & Pamela Lathrop  
312 Nina Street  
New Windsor, NY 12553

73-5-3  
John Todd & Marlayna Wiley  
314 Nina Street  
New Windsor, NY 12553

73-5-4  
Hadassa Schwartz  
316 Nina Street  
New Windsor, NY 12553

73-5-5  
Harold & Susan Boro  
318 Nina Street  
New Windsor, NY 12553

73-5-6  
Robert & Pamela Ramos  
320 Nina Street  
New Windsor, NY 12553

73-5-7  
Myra Davis Thomas  
322 Nina Street  
New Windsor, NY 12553

73-5-8  
Steven Weissman  
324 Nina Street  
New Windsor, NY 12553

73-6-6  
John & Carolyn Thorn  
401 Philo Street  
New Windsor, NY 12553

73-6-7  
Veronica McMillan & Maureen Roche  
Martin Roche  
503 MacNary Road  
New Windsor, NY 12553

73-6-8  
Frank & Jeanette Servedio  
419 Philo Street  
New Windsor, NY 12553

73-6-9  
Joseph & Ellen Rones  
417 Philo Street  
New Windsor, NY 12553

73-7-19  
Barbara Hanly  
432 Philo Street  
New Windsor, NY 12553

73-7-20  
William Murphy  
Jamira Torres Murphy  
434 Philo Street  
New Windsor, NY 12553

73-7-21  
George III & Terri Jessen  
436 Philo Street  
New Windsor, NY 12553

73-7-22  
Richard & Rose Linet  
438 Philo Street  
New Windsor, NY 12553

73-7-23  
Matthew & Carla Weiss  
440 Philo Street  
New Windsor, NY 12553

73-7-24  
Frank & Deborah Prego  
442 Philo Street  
New Windsor, NY 12553

73-7-26  
Robert & Mary Volz  
323 Nina Street  
New Windsor, NY 12553

73-7-27  
Mikhail & Alexandra Ostritsky  
321 Nina Street  
New Windsor, NY 12553

73-7-28  
Harriet Chittick  
319 Nina Street  
New Windsor, NY 12553

73-7-29  
David Velsor  
317 Nina Street  
New Windsor, NY 12553

73-7-30  
Julio & Noemi DeLeon  
315 Nina Street  
New Windsor, NY 12553

73-7-31  
Anthony Mucci  
313 Nina Street  
New Windsor, NY 12553

75-3-7  
James & Rose Trinka  
67 Keats Drive  
New Windsor, NY 12553

75-3-8  
Agostinho & Nannette Domingues  
69 Keats Drive  
New Windsor, NY 12553

75-3-9  
Raymond Hertel  
401 E. 89<sup>th</sup> Street, Apt. 16C  
New York, NY 10128

75-3-10  
Ronald & Maureen Avallone  
73 Keats Drive  
New Windsor, NY 12553

75-3-11  
Robert & Catherine Kasprak  
75 Keats Drive  
New Windsor, NY 12553

75-3-12  
Robert & Diane Mounier  
77 Keats Drive  
New Windsor, NY 12553

75-3-13  
Robert Jr. & Antoinette Faig  
79 Keats Drive  
New Windsor, NY 12553

75-9-3  
Dominic Desmond  
319 Burroughs Lane  
New Windsor, NY 12553

75-9-4  
Crystal & Hugh Glenn  
317 Burroughs Lane  
New Windsor, NY 12553

75-9-5  
Joan Ruffino  
315 Burroughs Lane  
New Windsor, NY 12553

75-9-6  
Andrew & Sharon Resler  
313 Burroughs Lane  
New Windsor, NY 12553

75-9-8  
Frank & Lenore Stiliho  
66 Keats Drive  
New Windsor, NY 12553

75-9-9  
Maurice & Theresa Swansson  
76 Keats Drive  
New Windsor, NY 12553

75-9-10  
Melissa Henneberry  
78 Keats Drive  
New Windsor, NY 12553

75-9-11  
George Baltsas  
Michelle Vina Baltsas  
80 Keats Drive  
New Windsor, NY 12553

75-9-12  
Joseph & Angela Bell  
82 Keats Drive  
New Windsor, NY 12553

75-9-13  
John & Colleen McManamon  
84 Keats Drive  
New Windsor, NY 12553

75-9-14  
Michael Jr. & Jane Lauria  
86 Keats Drive  
New Windsor, NY 12553

75-9-15  
Anthony & Beverley Marchesani  
88 Keats Drive  
New Windsor, NY 12553

75-10-5  
David Jr. & Debra Ann Patterson  
89 Keats Drive  
New Windsor, NY 12553

75-10-6  
Konstantinos & Margarita Ioannidis  
87 Keats Drive  
New Windsor, NY 12553

75-10-7  
David & Migdalia Ramos  
85 Keats Drive  
New Windsor, NY 12553

75-10-8  
Leo & Sandra Talbot  
83 Keats Drive  
New Windsor, NY 12553

75-10-9  
Michael Sulla  
Kathleen Healy  
380 Frost Lane  
New Windsor, NY 12553



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4615  
Fax: (845) 563-4695

## ZONING BOARD OF APPEALS

November 7, 2003

Mr. Peter Daly  
325 Nina Street  
New Windsor, NY 12553

SUBJECT: REQUEST FOR VARIANCE #03-51

Dear Mr. Daly:

This is just to let you know your Notices for Public Hearing were mailed out and the notice was also sent to The Sentinel Newspaper for publication. **PLEASE NOTE: The Sentinel will bill you directly for this add. This is not included in the escrow you posted upon application.**

Your Public Hearing before the Zoning Board of Appeals for your requested variance at:

325 Nina Street  
New Windsor, NY

is scheduled for the November 24th, 2003 agenda.

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have any questions or concerns in this matter, please feel free to contact me.

Very truly yours,

---

Myra Mason, Secretary  
Zoning Board of Appeals

MLM:mlm



RESULTS OF Z.B.A. MEETING OF: October 7, 2003

PROJECT: Peter Daly ZBA # 03-51  
P.B.#



USE VARIANCE: NEED: EAF PROXY

LEAD AGENCY: M) S) VOTE: A N  
RIVERA  
MCDONALD CARRIED: Y N  
REIS  
MINUTA  
KANE

NEGATIVE DEC: M) S) VOTE: A N  
RIVERA  
MCDONALD CARRIED: Y N  
REIS  
MINUTA  
KANE

PUBLIC HEARING: M) S) VOTE: A N  
RIVERA  
MCDONALD CARRIED: Y N  
REIS  
MINUTA  
KANE

APPROVED: M) S) VOTE: A N  
RIVERA  
MCDONALD CARRIED: Y N  
REIS  
MINUTA  
KANE

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M) Mc S) Rv VOTE: A N  
RIVERA A  
MCDONALD A  
REIS A  
MINUTA A  
KANE A  
CARRIED: Y N

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES

VARIANCE APPROVED: M) S) VOTE: A N

RIVERA  
MC DONALD CARRIED: Y N  
REIS  
MINUTA  
KANE

Need picture from across the street looking in

**Town of New Windsor  
555 Union Avenue  
New Windsor, NY 12553  
(845) 563-4611**

**RECEIPT  
#994-2003**

**10/22/2003**

**Daly, Jr. Peter F.** #03-51

**Received \$ 50.00 for Zoning Board Fees, on 10/22/2003. Thank you for  
stopping by the Town Clerk's office.**

**As always, it is our pleasure to serve you.**

**Deborah Green  
Town Clerk**

**TOWN OF NEW WINDSOR**  
**ZONING BOARD OF APPEALS**

**RECEIPT OF ESCROW RECEIVED:**

DATE RECEIVED: 10-16-03

FOR: **ESCROW #03-51**

FROM: **PETER F. DALY, JR.**

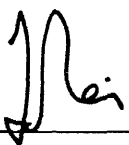
**325 NINA STREET**

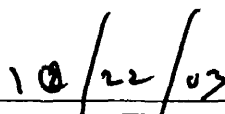
**NEW WINDSOR, NY 12553**

CHECK NUMBER: **1164**

AMOUNT: **300.00**

RECEIVED AT COMPTROLLER'S OFFICE BY:

  
\_\_\_\_\_  
NAME

  
\_\_\_\_\_  
DATE

PLEASE RETURN SIGNED COPY TO MYRA FOR FILING

THANK YOU



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4615  
Fax: (845) 563-4695

## ZONING BOARD OF APPEALS

October 16, 2003

Mr. & Mrs. Peter Daly, Jr.  
325 Nina Street  
New Windsor, NY 12553

SUBJECT: REQUEST FOR VARIANCE #03-51

Dear Mr. & Mrs. Daly:

This letter is to inform you that you have been placed on the October 27th, 2003 agenda for the Zoning Board of Appeals to discuss your request for a variance at:

325 Nina Street  
New Windsor, NY

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have a problem with this time and/or date, please contact me at the above number and we will reschedule your appearance. If you have any further questions, please feel free to contact me.

Very truly yours,

---

Myra Mason, Secretary  
Zoning Board of Appeals

MLM:mlm

*Sent 10/16*



ZBA #03-51 Assessor's List

Peter F. Daly, Jr.  
Julie A. Daly 561-5388  
325 Main Street  
New Windsor, NY 12553

date 10/10/03 1166  
10-4/220



pay to the  
order of Town of New Windsor \$ 25-  
Twenty Five XX/100 dollars

M & T Bank  
MANUFACTURERS AND TRADERS TRUST COMPANY

for public hearing list dep.

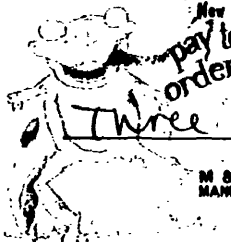
Julie Daly

⑆022000046⑆ 01719 460 6⑈ 1166

ZBA #03-51 Escrow

Peter F. Daly, Jr.  
Julie A. Daly 561-5388  
325 Main Street  
New Windsor, NY 12553

date 10/10/03 1164  
10-4/220



pay to the  
order of Town of New Windsor \$ 300-  
Three Hundred XX/100 dollars

M & T Bank  
MANUFACTURERS AND TRADERS TRUST COMPANY

for escrow

Julie Daly

⑆022000046⑆ 01719 460 6⑈ 1164

ZBA #03-51 Application fee

Peter F. Daly, Jr.  
Julie A. Daly 561-5388  
325 Main Street  
New Windsor, NY 12553

date 10/10/03 1165  
10-4/220



pay to the  
order of Town of New Windsor \$ 50-  
Fifty XX/100 dollars

M & T Bank  
MANUFACTURERS AND TRADERS TRUST COMPANY

for application fee

Julie Daly

⑆022000046⑆ 01719 460 6⑈ 1165



**TOWN OF NEW WINDSOR**  
555 UNION AVENUE  
NEW WINDSOR, NY 12553  
(845) 563-4615 (MYRA MASON)



**ZONING BOARD PROCEDURES**

**PLEASE READ PAGE ONE AND TWO OF THIS PACKAGE AND SIGN PAGE TWO  
IT EXPLAINS THE PROCEDURE TO BE FOLLOWED FOR YOUR APPLICATION.**

PLEASE COMPLETE THE ATTACHED APPLICATION FORMS WHERE IT APPLIES TO YOUR SITUATION AND RETURN TO MYRA MASON (845-563-4615) AT THE ZONING BOARD OFFICE (LOCATED IN THE PLANNING BOARD & ENGINEERING OFFICE IN TOWN HALL) WITH THREE CHECKS MADE PAYABLE TO "THE TOWN OF NEW WINDSOR" AS FOLLOWS:

**RESIDENTIAL: (Three Separate Checks Please)**

APPLICATION FEE:	\$ 50.00
*ESCROW:	\$300.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

**MULTI-FAMILY: (Three Separate Checks Please)**

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

**COMMERCIAL: (Three Separate Checks Please)**

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

**INTERPRETATION: (Three Separate Checks Please)**

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

**YOU WILL THEN BE SCHEDULED FOR THE NEXT AVAILABLE AGENDA FOR YOUR "PRELIMINARY MEETING".**

\*

**ESCROW**

IS TO COVER OUTSIDE PROFESSIONAL FEES SUCH AS ZBA ATTORNEY FEE, MINUTES OF YOUR PORTION OF THE MEETING, ETC. THE BALANCE WILL BE RETURNED TO YOU UPON CLOSING FILE.

THE APPLICANT WILL BE BILLED DIRECTLY FOR THE PUBLIC HEARING ADVERTISEMENT IN THE "SENTINEL NEWSPAPER"

\*\*

LIST OF PROPERTY OWNERS  
WITHIN 500 FT. RADIUS OF  
PROPERTY IN QUESTION:

APPROXIMATE COST FOR  
PUBLIC HEARING LIST:

1-10 NAMES	25.00
11-20 NAMES	35.00
21-30 NAMES	45.00
31-40 NAMES	55.00
41-50 NAMES	65.00
51-60 NAMES	75.00
61-70 NAMES	85.00
71-80 NAMES	95.00
81-90 NAMES	105.00
91-100 NAMES	115.00

ANYTHING OVER 100 NAMES  
IS \$1.00 EA. ADDITIONAL  
NAME

RECEIVED  
TOWN OF NEW WINDSOR

OCT 16 2003

ENGINEERING

FOLLOWING YOUR PRELIMINARY MEETING, THE ZONING BOARD SECRETARY WILL ORDER YOUR "PUBLIC HEARING LIST" FROM THE ASSESSOR'S OFFICE.

1. WHEN THE ASSESSOR'S OFFICE NOTIFIES YOU THAT YOUR LIST IS READY, YOU MUST COME IN AND PAY THE BALANCE DUE FOR THE LIST. (THIS WILL BE PREPARED ON LABELS FOR YOUR CONVENIENCE).
2. PREPARE AN ENVELOPE (self-sealing envelopes are much appreciated) FOR EACH LABEL WITH YOUR RETURN ADDRESS AND A REGULAR \$.37 STAMP. BRING THE PREPARED ENVELOPES AND A COPY OF THE LIST TO THE ZONING BOARD SECRETARY FOR MAILING. YOUR PUBLIC HEARING DATE WILL BE SCHEDULED AT THIS TIME.

**NOTE:**

**IF IT IS EASIER FOR YOU, YOU CAN BRING THE ENVELOPES WITH YOU WHEN YOU PICK UP AND PAY FOR YOUR LIST. YOU CAN PUT THE LABELS ON AT THAT TIME AND BRING THEM TO THE ZBA OFFICE FOR COMPLETION.**

**\* \* MUST READ AND SIGN \* \***

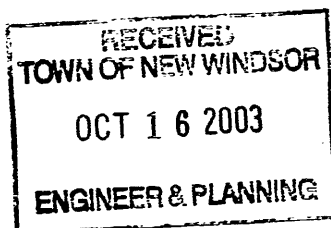
***I UNDERSTAND THAT I WILL BE BILLED DIRECTLY FOR MY "LEGAL NOTICE" TO BE PUBLISHED IN THE SENTINEL NEWSPAPER FOR MY PUBLIC HEARING.... (this charge is not deducted from your escrow posted).***

Quinn Daly  
SIGNATURE \*

10/8/03  
DATE

**NOTE:**

THE ZBA MEETS ON THE 2<sup>ND</sup> AND 4<sup>TH</sup> MONDAY OF EACH MONTH UNLESS A HOLIDAY FALLS ON THAT DATE. (JULY AND AUGUST – ONE MEETING PER MONTH ONLY)



PAGE 2

COMPLETE THIS PAGE ☐

03-51



TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE



10/8/03  
Date

Application Type: Use Variance ☐ Area Variance ☐  
Sign Variance ☐ Interpretation ☐

I. **Owner Information:**

Phone Number: (845) 561-5388  
Fax Number: (845) 828 4616  
Peter and Julie Daly  
(Name)  
325 Nina St. New Windsor  
(Address)

II. **If Moving to New Address, please list forwarding address for return of escrow:**

Phone Number: ( )  
Fax Number: ( )  
(Name)  
(Address)

III. **Attorney:**

Phone Number: ( )  
Fax Number: ( )  
(Name)  
(Address)

IV. **Contractor/Engineer/Architect/Surveyor/:**

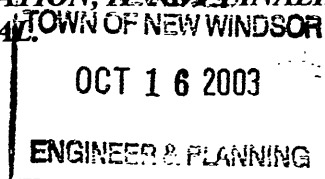
Phone Number (845) 831 0796  
Fax Number: ( )  
Anthony Steffani - AJAY Fence  
(Name)  
309 Chelsea Cay Wappinger Falls, NY  
(Address)

V. **Property Information:**

Zone: R-4 Property Address in Question: 325 Nina St.  
Lot Size: 0.22 acres Tax Map Number: Section 73 Block 7 Lot 25  
a. What other zones lie within 500 feet? unk  
b. Is pending sale or lease subject to ZBA approval of this Application? no  
c. When was property purchased by present owner? March 2002  
d. Has property been subdivided previously? unk If so, When: no  
e. Has an Order to Remedy Violation been issued against the property by the Building/Zoning/Fire Inspector? no  
f. Is there any outside storage at the property now or is any proposed? no

\*\*\*\*PLEASE NOTE:\*\*\*\*\*

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.



03-51

COMPLETE THIS PAGE ☐

**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS**

**APPLICATION FOR VARIANCE - continued**

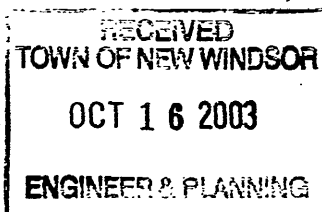
- IX. In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created.

After reading the above paragraph, please describe why you believe the ZBA should grant your application for an Area Variance:

Upon purchasing the home in  
March 2002, we were informed that the fence  
was a legal configuration and proper permitting  
was in place. we have since had a poured <sup>concrete</sup> patio  
installed on the property which will not allow  
us to move the fence up to the house. Additionally  
we have since purchased a dog which will  
likely hop a 4 ft fence if installed. Our  
neighbor which shares our western property  
line has the same configuration for his  
fence. The fence (from what I hear from  
neighborhood residents) has been that way  
for at least 10 yrs. It is set back enough  
from the Nina St / Sim Street intersection as to  
not cause a disruption of view. Also, the  
fence we are to install will be a scalloped  
fence with the scallops at 5 feet and only

**PLEASE NOTE:** the posts to be at 6 feet.

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE  
OF SUBMITTAL.**



**03-51**

**COMPLETE THIS PAGE**

**XII. ADDITIONAL COMMENTS:**

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)
- 
- 

**XIII. ATTACHMENTS REQUIRED:**

- ☐ Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- ☐ Copy of site plan or **survey** showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☐ Copies of signs with dimensions and location.
- ☐ Three checks: (each payable to the **TOWN OF NEW WINDSOR**)
- ☐ One in the amount of \$ 300.00 or 500.00 , (escrow)
- ☐ One in the amount of \$ 50.00 or 150.00 , (application fee)
- ☐ One in the amount of \$ 25.00 , (Public Hearing List Deposit)
- ☐ Photographs of existing premises from several angles. (IF SUBMITTING DIGITAL PHOTOS PRINTED FROM COMPUTER – PLEASE SUBMIT FOUR(4) SETS OF THE PHOTOS.)

**XIV. AFFIDAVIT.**

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE )

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/her information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Sworn to before me this:

14<sup>th</sup> day of October 2003.

Julie Daly  
Owner's Signature (Notarized)

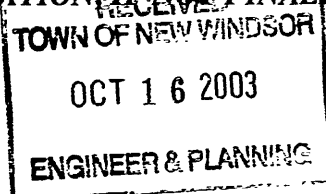
Julie Daly  
Owner's Name (Please Print)

JENNIFER MEAD  
Notary Public, State Of New York  
No. 01ME6050024  
Qualified In Orange County  
Commission Expires 10/30/2006  
[Signature]  
Signature and Stamp of Notary

[Signature]  
Applicant's Signature (If not Owner)

**PLEASE NOTE:**

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.**



COMPLETE THIS PAGE ☐

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